

EXHIBIT 11

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10 **UNITED STATES DISTRICT COURT**
11 **NORTHERN DISTRICT OF CALIFORNIA**
12 **SAN FRANCISCO DIVISION**

13 GOOGLE LLC,

14 Plaintiff

15 v.

Case No. 3:20-cv-06754-WHA

16 SONOS, INC.,

17 Defendant.

18
19 **GOOGLE LLC’S THIRD SUPPLEMENTAL OBJECTIONS AND RESPONSES TO**
20 **PLAINTIFF SONOS, INC.’S FIRST SET OF FACT DISCOVERY INTERROGATORIES**
(NO. 15)

21 Pursuant to Rule 33 of the Federal Rules of Civil Procedure, Defendant Google LLC
22 (“Google”) hereby objects and responds to Plaintiff Sonos, Inc.’s (“Sonos”) First Set of Fact
23 Discovery Interrogatories to Defendant (“Interrogatories”). Google responds to these
24 Interrogatories based on its current understanding and the information reasonably available to
25 Google at the present time. Google reserves the right to supplement these responses if and when
26 additional information becomes available.

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GENERAL OBJECTIONS AND RESPONSES

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2 1. These responses are made only for the purposes of discovery in this action. Each
3 response is subject to all appropriate objections as to competence, relevance, materiality, and any
4 and all other objections and grounds that would require the exclusion of any information,
5 documents, or statements contained in the responses if such information, documents, or statements
6 were offered in court. Google expressly reserves all such objections and may interpose them at the
7 time of trial or at any other time.

8 2. Google reserves all objections as to the admissibility at trial of any information or
9 documents identified in its responses to these Interrogatories. By identifying any document or
10 supplying any information, Google does not admit that such information or document is relevant to
11 or admissible in this litigation. Google reserves the right to object to further inquiry with respect to
12 any subject matter.

13 3. Google objects to the interrogatories, and to the definitions, to the extent that they
14 purport to impose any obligations upon Google beyond the Federal Rules of Civil Procedure and
15 the Local Rules of the United States District Court for the Northern District of California.

16 4. Google objects to the definition of “Defendant,” “Google,” “You,” or “Your” on the
17 grounds that the definitions are overly broad, unduly burdensome, and vague, including but not
18 limited to the extent that they include: any Google parent, subsidiary, division, or related company;
19 any business entity controlled by or operated on behalf thereof; any predecessors thereof; and any
20 and all agents, directors, owners, officers, attorneys, employees, representatives, subcontracts,
21 and/or any person acting on its behalf.

22 5. Google objects to the definition of “Accused Cast-Enabled App(s)” on the grounds
23 that the definition is overly broad, unduly burdensome, and vague, including but not limited to the
24 extent that it includes: any Google Cast-enabled app other than the YouTube Music app, Google
25 Play Music app, YouTube app, Google Podcasts app, and YouTube TV app, and any third-party
26 Cast-enabled app that allows a user to “cast” to an Accused Cast-Enabled Media Player (including
27 but not limited to the Spotify app), and any Cast-enabled software (e.g., firmware and/or Cast-
28 enabled apps) executable on an Accused Cast-Enabled Display that enables a user to “[m]ove media

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1 from one cast device to another,” either collectively or individually. Google will respond with
2 respect to the YouTube Music app, Google Play Music app, YouTube app, Google Podcasts app,
3 and YouTube TV app.

4 6. Google objects to the definition of “Accused Google Product(s)” to the extent it
5 includes Sonos’s definition of the term “Accused Cast-Enabled App(s).”

6 7. Google objects to the definition of “Accused Google Server[s]” on the grounds that
7 the definition is overly broad, unduly burdensome, and vague, including but not limited to the extent
8 that it purports to include: any server that hosts at least one of the Accused Cast-Enabled App(s) for
9 download, any server that facilitates casting from Chromecast-enabled apps to Accused Cast-
10 Enabled Media Player(s), any server that facilitates moving media from one cast device to another,”
11 and any server that, in response to user input at any Accused Cast-Enabled App, facilitates delivering
12 media to an Accused Cast-Enabled Media Player (including but not limited to any [REDACTED]
13 [REDACTED]), either collectively or individually. Google will respond with
14 respect to the servers specifically accused in Sonos’s infringement contentions.

15 8. Google objects to the instructions regarding “identify,” “describe,” or “identity” in
16 the context of a person on the grounds that the instructions are overly broad, unduly burdensome,
17 and vague, including but not limited to the extent that they require inclusion of: the person’s present
18 or last known home address, business and e-mail addresses, and respective phone numbers; present
19 or last known place of employment and position; and his or her connection to the subject matter of
20 the interrogatory.

21 9. Google objects to the instructions to “identify,” “describe,” or specify the “identity”
22 in the context of a person who is a past or present director, officer, employee, agent, or representative
23 of Google on the grounds that the instructions are overly broad, unduly burdensome, and vague,
24 including but not limited to the extent that they require specification of: all positions or employments
25 held by that person with Google, and the dates between which each such position or employment
26 was held.

27 10. Google objects to the instructions to “identify,” “describe,” or specify the “identity”
28 in the context of an entity on the grounds that the instructions are overly broad, unduly burdensome,

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1 and vague, including but not limited to the extent that they require specification of: the entity’s place
2 of incorporation or other business organization; it’s principal places of business; its present or last
3 known mailing and physical address(es) and e-mail and website addresses; its present or last known
4 phone number; the type of entity or organization, its date and place of formation and any place(s) in
5 which it is registered to conduct business; its registered agent; and the identity of all individuals
6 employed by or acting for it at any time who have knowledge of the matter with respect to which
7 the entity is identified.

8 11. Google objects to the instructions to “identify,” “describe,” or specify the “identity”
9 in the context of a document on the grounds that the instructions are overly broad, unduly
10 burdensome, and vague, including but not limited to the extent that they require specification of: the
11 date it was authored, sent, and/or received; the identity of the author of the document; the identity
12 of any recipient of the document; and the identity of the custodian of the document.

13 12. Google objects to the instructions to “identify,” “describe,” or specify the “identity”
14 in the context of a communication on the grounds that the instructions are overly broad, unduly
15 burdensome, and vague, including but not limited to the extent that they require specification of: the
16 date it was authored, sent, and/or received; the identity of the author of the document; the identity
17 of any recipient of the document; and the identity of the custodian of the document. Google further
18 objects to the instructions regarding “identify,” “describe,” or “identity” in the context of a
19 communication to the extent that they suggest Google is required to search and produce
20 electronically stored information (ESI) before Sonos has shown good cause for ESI discovery, and
21 the parties have agreed on a procedure for doing so in accordance with the Court’s Standing Order.

22 13. Google objects to the instructions to “identify,” “describe,” or specify the “identity”
23 in the context of a thing on the grounds that the instructions are overly broad, unduly burdensome,
24 and vague, including but not limited to the extent that they require specification of: its physical
25 particulars; the day on which it was made; the identity of the persons who made it; the identity of
26 the persons who asked that it be made; its present condition; and its present location.

27 14. Google objects to the instructions to “state all facts” on the grounds that the
28 instructions are is overly broad, unduly burdensome, and vague, including but not limited to the

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1 extent that it requires specification of: the identification of any person or entity having knowledge
2 of any such fact, including the last known address and phone number and the identity of any
3 document, communication, or thing that refers, relates, or evidences any such fact.

4 15. Google objects to each interrogatory to the extent it seeks information protected by
5 the attorney-client privilege or the work product doctrine or that is otherwise privileged or protected
6 from discovery.

7 16. Google objects to each interrogatory to the extent that it seeks information that is not
8 relevant to any claim or defense of any party or to the subject matter of this action, and is thus not
9 proportional to the needs of the case.

10 17. Google objects to each interrogatory to the extent it is compound and contains
11 multiple subparts.

12 18. Google objects to each interrogatory to the extent it is overbroad, unduly
13 burdensome, vague, and/or ambiguous.

14 19. Google objects to each interrogatory to the extent it seeks information that does not
15 already exist or that is not in Google’s possession, custody, or control.

16 20. Google objects to each interrogatory to the extent it requires Google to provide
17 information beyond what is available to Google at present from a reasonable search of its own files
18 likely to contain relevant or responsive documents and from a reasonable inquiry of its present
19 employees.

20 21. Google objects to each interrogatory to the extent it seeks confidential or proprietary
21 information, including without limitation, confidential business information, proprietary and/or
22 competitively sensitive information, or trade secrets. Subject to its other General Objections, and
23 to any specific objections set forth below, Google will only provide relevant information in a manner
24 consistent with a Protective Order entered by the Court in this matter.

25 22. Google objects to each interrogatory to the extent it is unlimited in time or otherwise
26 not limited to a timeframe relevant to this litigation, and is therefore burdensome, oppressive, overly
27 broad, and not proportional to the needs of the case.

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1 23. Google objects to each interrogatory to the extent it seeks a legal conclusion or expert
2 testimony.

3 24. Google objects to each interrogatory to the extent it seeks information that is publicly
4 available and therefore as accessible to Sonos as to Google.

5 25. Google objects to each interrogatory to the extent that it is premature. Discovery is
6 ongoing, and Google has not yet completed its investigation of the matters at issue in this action.
7 Google reserves the right to modify, supplement, change or amend its responses after the Court has
8 issued its claim construction order, and once Google has conducted the necessary discovery and
9 investigation.

10 26. Google's responses are not to be construed as an admission that any of the requested
11 information exists, that any information is admissible, relevant or proportional to the needs of the
12 case, or that any contention or assumption contained in the interrogatories, whether implicit or
13 explicit, is correct.

HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY**OBJECTIONS AND RESPONSES TO FACT DISCOVERY INTERROGATORIES****INTERROGATORY NO. 15:**

For each of the YouTube, YouTube Music, YouTube TV, Google Play Music, Google Podcasts, and Spotify media services, describe in detail how an Accused Google Product (e.g., an Accused Cast-Enabled Media Player or Accused Pixel Device) receives and then plays back a sequence of media items (e.g., songs, podcast episodes, etc.) in connection with a given one of the aforementioned media services including, but not limited to, (i) describing in detail any communications between the Accused Google Product and any web server (e.g., Accused Google Server or third-party server) and how such communications take place, (ii) describing in detail how any Accused Google Server generates, maintains, and/or updates a set of one or more media-item “recommendations”¹ that are sent to the Accused Google Product and how those “recommendations” are sent to the Accused Google Product, and (iii) describing in detail how any Accused Google Server facilitates Google’s “Autoplay feature”² for playback at the Accused Google Product and how the “Autoplay feature” is utilized at the Accused Google Product.

OBJECTIONS: Google incorporates by reference all of its General Objections as if fully set forth herein. Google objects to the characterization of this interrogatory as a single interrogatory given that it contains multiple discrete subparts under Fed. R. Civ. P. 33(a)(1). Google objects to this interrogatory on the grounds that it is vague, ambiguous, unclear as to information sought, and lacking sufficient particularity to permit Google to reasonably prepare a response with respect to the undefined terms “receives and then plays back a sequence of media items,” “in connection with a given one of the aforementioned media services,” “communications between the Accused Google Product and any web server,” “how such communications take place,” “generates, maintains and/or updates,” “how those ‘recommendations’ are sent to the Accused Google Product,” “how any

¹ See, e.g., <https://www.youtube.com/howyoutubeworks/product-features/recommendations/>; <https://support.google.com/youtubemusic/answer/6313542?hl=en>; <https://support.google.com/websearch/answer/10017274?hl=en&co=GENIE.Platform%3DAndroid#zippy=>.

² See, e.g., <https://support.google.com/youtube/answer/6327615?hl=en&co=GENIE.Platform%3DAndroid>; <https://support.google.com/websearch/answer/10017274?hl=en&co=GENIE.Platform%3DAndroid#zippy=>.

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1 Accused Google Server facilitates Google’s ‘Autoplay feature’ for playback at the Accused
2 Product,” and “how the ‘Autoplay feature’ is utilized at the Accused Google Product.” Google
3 further objects to this interrogatory to the extent that it assumes the existence of hypothetical facts
4 that are incorrect or unknown to Google.

5 Google also objects to this interrogatory as overbroad, burdensome, and not proportional to
6 the needs of the case, including to the extent it seeks information that is not relevant to any claim or
7 defense of any party or to the subject matter of this action, including to the extent that it seeks
8 information regarding non-accused instrumentalities or technology such as “Spotify media services”
9 and “third-party server[s].” Google further objects to this interrogatory as overbroad and unduly
10 burdensome to the extent that it seeks information that is publicly available, not uniquely within the
11 control of Google, or is equally available to Sonos. Google additionally objects to this interrogatory
12 to the extent it seeks communications and information protected from disclosure by the attorney-
13 client privilege and/or attorney work product doctrine. Google further objects to this interrogatory
14 to the extent it seeks confidential and/or proprietary business information. Google also objects to
15 this interrogatory to the extent that it premature seeks expert discovery, opinion, and/or testimony.
16 Google additionally objects to this interrogatory to the extent it seeks information that is not
17 reasonably accessible or that is not within Google’s possession, custody, or control. Google further
18 objects to this interrogatory to the extent it seeks information that is unnecessarily cumulative or
19 duplicative of information sought by other discovery, including Request for Production No. 20.

RESPONSE:

21 Subject to and without waiving the foregoing General and Specific objections, Google
22 responds, as follows:

23 Pursuant to Rule 33(d) of the Federal Rules of Civil Procedure, Google further refers Sonos
24 to the source code that Google has made available and the following documents containing
25 information responsive to this interrogatory: GOOG-SONOSWDTX-00005033-53611.

26 **SUPPLEMENTAL RESPONSE:** Google maintains the General and Specific objections
27 set forth above. Google further objects to this interrogatory on the grounds that it is vague and
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1 ambiguous to the extent it seeks information regarding products not specifically identified by make
2 or model number in Sonos’s infringement contentions. Google also objects to this interrogatory to
3 the extent it seeks to encompass Spotify, which is a separate, third-party application. Subject to and
4 without waiving the foregoing General and Specific objections, Google responds, as follows:

5 Google refers Sonos to the source code that Google has made available, which is the best
6 evidence of how the devices operate with respect to the operation of the accused functionalities.
7 Pursuant to Rule 33(d) of the Federal Rules of Civil Procedure, Google further refers Sonos to the
8 following documents [REDACTED] which may contain information response
9 to this interrogatory: GOOG-SONOSWDTX-00041650, GOOG-SONOSWDTX-00039521,
10 GOOG-SONOSWDTX-00041722, GOOG-SONOSWDTX-00040397, GOOG-SONOSWDTX-
11 00042266, GOOG-SONOSWDTX-00042272, GOOG-SONOSWDTX-00042282, GOOG-
12 SONOSWDTX-00042365, GOOG-SONOSWDTX-00042378, GOOG-SONOSWDTX-00042380,
13 GOOG-SONOSWDTX-00042385, GOOG-SONOSWDTX-00042397, GOOG-SONOSWDTX-
14 00042402, GOOG-SONOSWDTX-00042404, GOOG-SONOSWDTX-00042413, GOOG-
15 SONOSWDTX-00042754, GOOG-SONOSWDTX-00042954, GOOG-SONOSWDTX-00043052,
16 GOOG-SONOSWDTX-00043318, GOOG-SONOSWDTX-00043323, GOOG-SONOSWDTX-
17 00043799-803, GOOG-SONOSWDTX-00043820, GOOG-SONOSWDTX-00051820, GOOG-
18 SONOSWDTX-00051848, GOOG-SONOSWDTX-00051918, GOOG-SONOSWDTX-00051924,
19 GOOG-SONOSWDTX-00051927, GOOG-SONOSWDTX-00052944-71, GOOG-
20 SONOSWDTX-00051608, GOOG-SONOSWDTX-00051943, GOOG-SONOSWDTX-00037978,
21 GOOG-SONOSWDTX-00051947, GOOG-SONOSWDTX-00037634, GOOG-SONOSWDTX-
22 00053379, GOOG-SONOSWDTX-00036998, GOOG-SONOSWDTX-00037178, GOOG-
23 SONOSWDTX-00037042, GOOG-SONOSWDTX-00037081, GOOG-SONOSWDTX-00037220,
24 GOOG-SONOSWDTX-00040331-83, GOOG-SONOSWDTX-00043467, GOOG-
25 SONOSWDTX-00043471, GOOG-SONOSWDTX-00043550, GOOG-SONOSWDTX-00037146,
26 GOOG-SONOSWDTX-00043548, GOOG-SONOSWDTX-00043676, GOOG-
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1 SONOSWDTX-00037178; *see also* GOOG-SONOSWDTX-00005033-8471, GOOG-
2 SONOSWDTX-00022175-371, GOOG-SONOSWDTX-00036346-53611.

3 **SECOND SUPPLEMENTAL RESPONSE:**

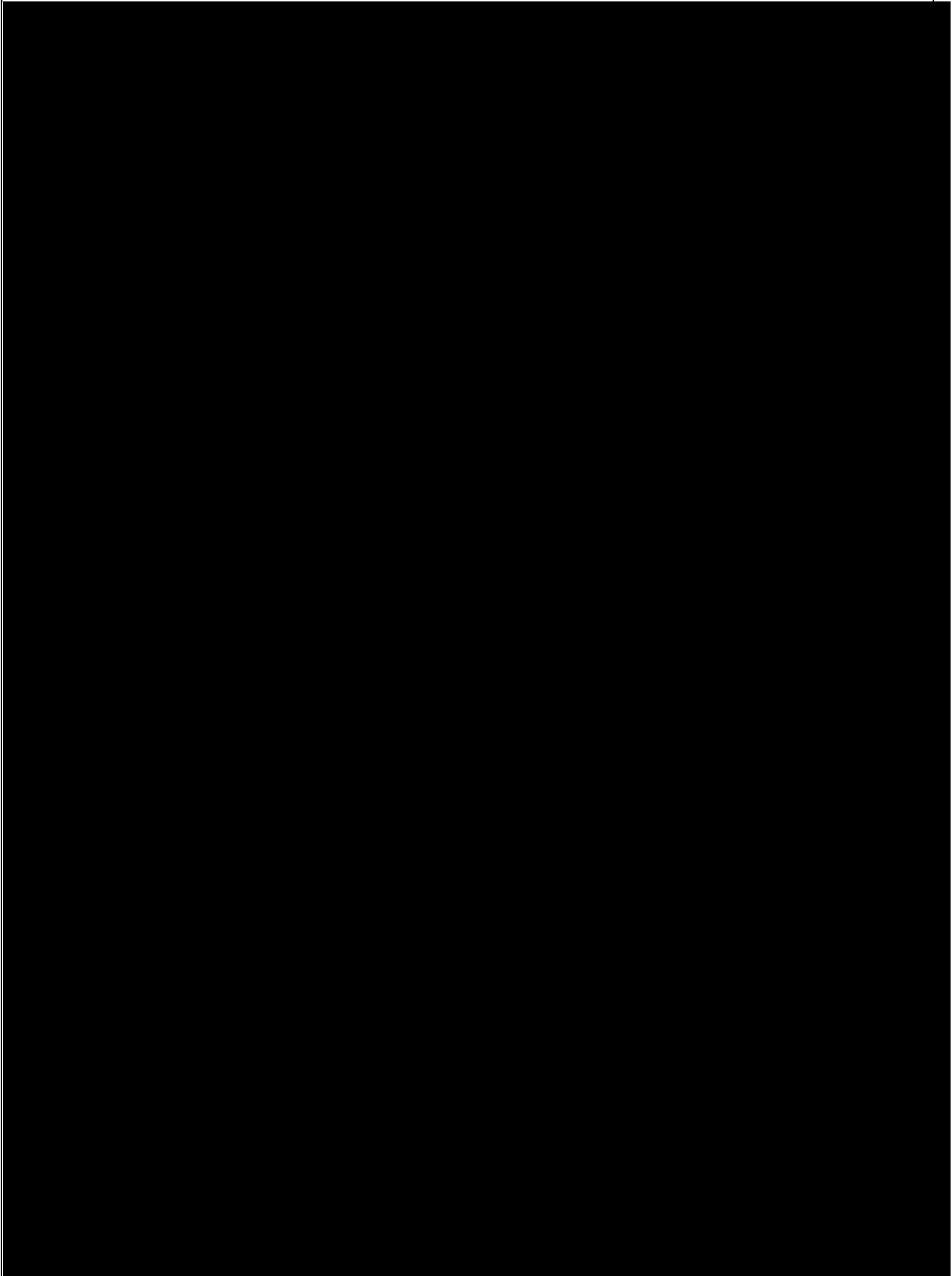
4 Google maintains the General and Specific objections set forth above. Google further
5 objects to this interrogatory on the grounds that it is vague, ambiguous, and overbroad to the extent
6 it seeks information regarding products not specifically identified by make or model number in
7 Sonos’s infringement contentions, or that have now been dropped by Sonos (*e.g.*, Podcast). Google
8 also objects to this interrogatory to the extent it seeks to encompass Spotify, which is a separate,
9 third-party application. Subject to and without waiving the foregoing General and Specific
10 objections, Google responds, as follows:

11 Google fully incorporates herein by reference its responses to Interrogatory No. 14. Google
12 further responds that

[REDACTED]

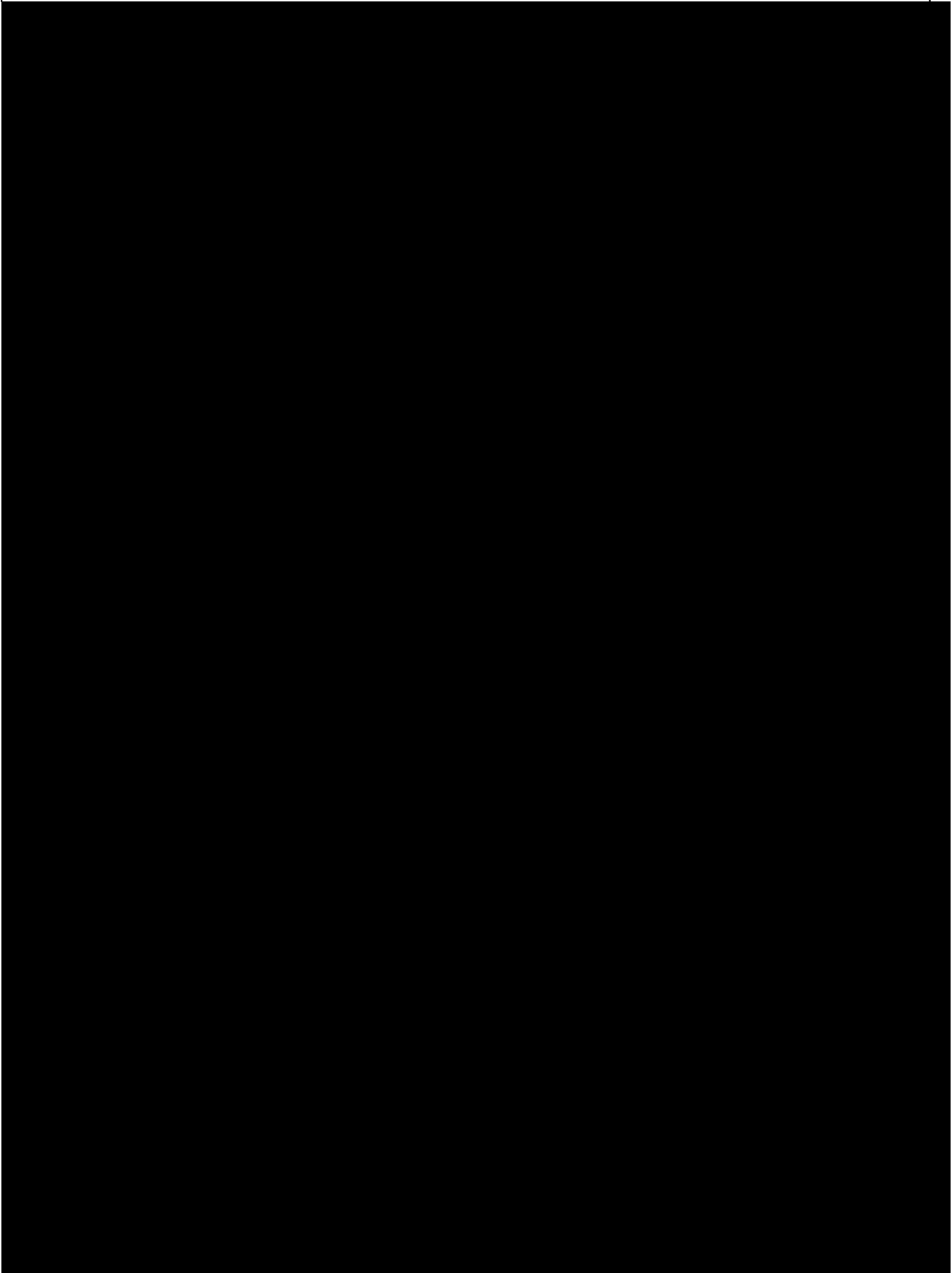
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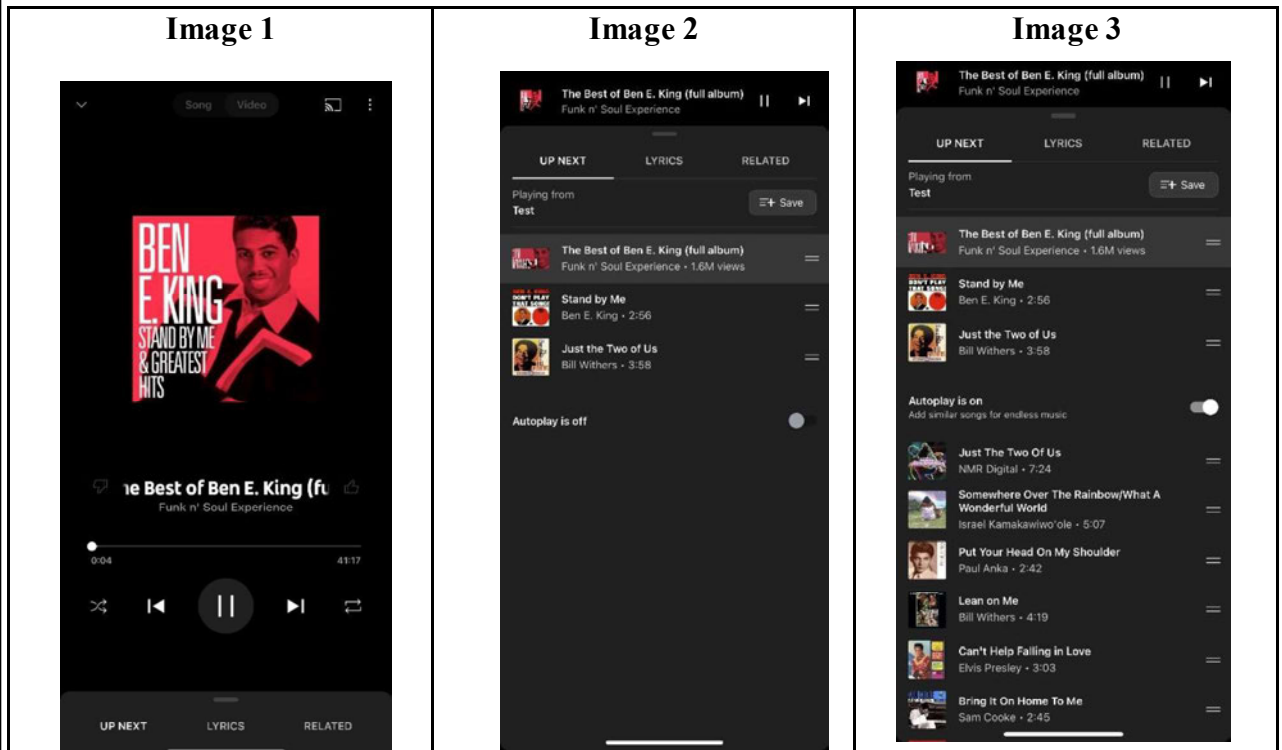
1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]

5 **THIRD SUPPLEMENTAL RESPONSE:** Google maintains the General and Specific
6 objections set forth above. Google further objects to this Interrogatory as compound, irrelevant, and
7 unduly burdensome in that it seeks a response “[f]or each of the YouTube, YouTube Music,
8 YouTube TV, Google Play Music, Google Podcasts, and Spotify Media services.” For example,
9 Sonos has dropped the “Google Podcasts” and “Spotify” applications from the case. Further, Sonos
10 accused the Google Play Music application of infringing only its ’615 patent, and the Court has now
11 granted summary judgment that the “Google Play Music” application does not infringe the ’615
12 patent. Accordingly, Google will limit its response to the “YouTube Music,” “YouTube Music,”
13 and YouTube TV applications. Google further objects to this interrogatory as vague, ambiguous,
14 overbroad and unduly burdensome, including as to the phrase “describe in detail how an Accused
15 Google Product (e.g., an Accused Cast-Enabled Media Player or Accused Pixel Device) receives
16 and then plays back a sequence of media items (e.g., songs, podcast episodes, etc.) in connection
17 with a given one of the aforementioned media services.” The accused YouTube applications and
18 systems have numerous functionalities and features, involve many different playback scenarios, and
19 [REDACTED]. Google also objects to this interrogatory to the
20 extent Sonos is seeking to shift the burden of proving infringement on to Google. It is Sonos’s
21 burden, not Google’s to prove infringement. Moreover, Sonos’s definition of “Accused Google
22 Product” purports to encompass thousands of different (and unspecified) hardware devices. It is not
23 practical for Google to describe “in detail” every playback scenario for every hardware device.
24 Sonos’s infringement contentions are also vague and ambiguous as to the particular functionality
25 that it is accusing. Google will provide a reasonable level of detail regarding how the accused
26 applications playback media based on its current understanding of Sonos’s contentions.

27 A Pixel Device running an accused YouTube application allows users to add media items to
28 a playlist on their Pixel Device. For example, the images below are of a YouTube Music application

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1 playing a playlist containing three songs (“The Best of Ben E. King”, “Stand by Me”, and “Just the
 2 Two of Us”) on the Pixel Device. Image 1 shows the currently playing song. Images 2 and 3 show
 3 a toggle button that can be used by the user to enable or disable “Autoplay.” In Image 2, Autoplay
 4 is turned off. In Image 3, Autoplay is turned on and additional recommended media items (e.g.,
 5 “Just the Two of Us,” “Somewhere Over the Rainbow,” etc.) are displayed below the toggle button.
 6 When the user created playlist is exhausted, the Pixel Device will begin playing Autoplay items.



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[REDACTED]

[REDACTED]
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[REDACTED]
[REDACTED]

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[REDACTED]

A Pixel Device may also cast music for playback on a receiver device. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

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1 DATED: November 3, 2022

QUINN EMANUEL URQUHART & SULLIVAN,
LLP

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10 *Counsel for Defendant Google LLC*

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12
13 **CERTIFICATE OF SERVICE**

14 The undersigned hereby certifies that all counsel of record who have consented to electronic
15 service are being served with a copy of this document via email on November 3, 2022.
16

17 /s/ Nima Hefazi
Nima Hefazi